

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **12/30/2008**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Higher Education - tech. college  
Higher Education - UW System**

Extra Copies: **MDK**

Submit via email: **NO**

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### **Pre Topic:**

DOA:.....Rhodes, BB0319 -

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### **Topic:**

Permitting UW and technical colleges to grant nonresident tuition remission for undocumented aliens

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/02/2009	kfollett 01/06/2009		_____			State
/1	pgrant 01/06/2009	kfollett 01/07/2009	phenry 01/06/2009	_____	mbarman 01/06/2009		State
/2			phenry 01/07/2009	_____	lparisi 01/07/2009		

FE Sent For:

**<END>**

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/1		12kf 1/7	phenry 01/06/2009	1/8 _____	mbarman 01/06/2009		
FE Sent For:							
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/?	pgrant	1/1/gf 1/6	1/6 ph	1/6 ph/15			
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FE Sent For:

<END>

## 2009-11 Budget Bill Statutory Language Drafting Request

Topic: RESIDENT TUITION FOR CERTAIN UNDOCUMENTED PERSONS

- Tracking Code: BB0319
- SBO team: Education, Children & Families
- SBO analyst: Dennis Rhodes
  - Phone: 266-2843
  - Email: Dennis.Rhodes@Wisconsin.gov
- Agency acronym: UWS / WTCS
- Agency number: 285 / 292
- Priority (Low, Medium, High): Medium

### RESIDENT TUITION FOR CERTAIN UNDOCUMENTED PERSONS

Require the UW System and WTCS to provide a nonresident tuition remission for a person who is a citizen of another country, if that person meets all of the following requirements:

(a) graduated from a Wisconsin high school or received a high school graduation equivalency from this state; (b) the person was continuously present in this state for at least three years following the first day of attending a high school in this state; and (c) enrolls in a UW System institution and provides the institution with an affidavit that the person has filed or will file an application for a permanent resident visa with the U.S. Citizenship and Immigration Services as soon as the person is eligible to do so. Specify that this provision would first apply to persons who enroll for the semester or session following the bill's effective date.

## Grant, Peter

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**From:** Rhodes, Dennis - DOA [dennis.rhodes@wisconsin.gov]  
**Sent:** Tuesday, December 30, 2008 4:39 PM  
**To:** Grant, Peter  
**Subject:** RE: BB0319

Peter,

That sounds like a good approach and consistent with a general intent to include rather than exclude long-time residents. Thanks for thinking about this.

Dennis

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, December 30, 2008 4:35 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: BB0319

Now that I've thought about it a little more, Dennis, how about just requiring that the person be continuously present in this state for at least 3 years immediately prior to receiving the declaration of h.s. equivalency?

---

**From:** Rhodes, Dennis - DOA [mailto:dennis.rhodes@wisconsin.gov]  
**Sent:** Tuesday, December 30, 2008 4:19 PM  
**To:** Grant, Peter  
**Subject:** RE: BB0319

Peter,

Yes, that would be very helpful if you would approach DPI. We did not brief on this issue and just recently were asked to place it in the budget

Thanks,

Dennis

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, December 30, 2008 4:15 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: BB0319

I'm not sure. The problem, I think, is that under DPI's rules, there are a number of ways in which to get a h.s. equivalency diploma. Check out these admin code sections:

PI 5.05 High school equivalency diploma based on passing of the general educational development test with additional requirements in citizenship, health, career awareness and employability skills.

PI 5.06 High school equivalency diploma based on attainment of high school credits.

PI 5.07 High school equivalency diploma based on post-secondary education.

PI 5.08 High school equivalency diploma based on a foreign diploma or degree.

PI 5.09 High school equivalency diploma based on completion of a program approved by the state superintendent.

Would it be OK if I talk to someone at DPI about it? Maybe they could identify some point in the process that is common to all of the methods of attaining the equivalency diploma, a point that would be the equivalent of "the first day of attending a high school in this state."

**From:** Rhodes, Dennis - DOA [<mailto:dennis.rhodes@wisconsin.gov>]  
**Sent:** Tuesday, December 30, 2008 4:02 PM  
**To:** Grant, Peter  
**Subject:** RE: BB0319

Let's go with 3 years for both systems.

Do you have a suggestion around how to modify the language so the residency of individuals who are getting h.s. equivalency is not linked to attending a high school?

---

**From:** Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]  
**Sent:** Tuesday, December 30, 2008 3:48 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** BB0319

Dennis, I have a couple of questions about this request dealing with nonresident tuition remissions for undocumented aliens:

- I noticed that last session, the draft (LRB-1365/2) required *one year* of "presence in this state" for UW students, but *three years* for WTCS students. Was that a mistake? Do you want three years for both categories?
- One of the requirements is graduation from a high school in this state *or* receipt of a declaration of h.s. equivalency from this state. Another requirement, however, is for continuous presence in this state for three years (assuming that's the answer to the first question) following the first day of *attending a high school* in this state. If the person did not receive a h.s. diploma, however, but a declaration of equivalency of h.s. graduation, can the person meet this requirement?

Thanks.

Peter

Date (time)  
needed \_\_\_\_\_

LRB- 1292/1

## DOA BUDGET DRAFT

PG MDK: KJF

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION<<

*Don't Gen*

AN ACT . . . [DO NOT generate catalog]; relating to: the budget. ....

.....

.....

### *Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION #.

DOA:.....Binau, BB0299 - Permitting UW and technical colleges to grant nonresident tuition remission for undocumented aliens

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1

AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

EDUCATION

HIGHER EDUCATION

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation *equivalency* from Wisconsin; 2) was continuously present in Wisconsin for at least *one year* following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

*or immediately preceding receipt of a declaration of equivalency of high school graduation*



For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

SECTION 1. 36.27 (2) (cr) of the statutes is created to read:

36.27 (2) (cr) A person who is a citizen of a country other than the United States is entitled to the exemption under par. (a) if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a high school graduation ~~equivalency~~ from this state. *declaration of equivalency of*

2. The person was continuously present in this state for at least ~~one year~~ <sup>3 years</sup> following the first day of attending a high school in this state. *or immediately preceding receipt of a declaration of equivalency of high school graduation*

3. The person enrolls in an institution and provides that institution with an affidavit stating that the person has filed or will file an application for a permanent resident visa with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

SECTION 2. 38.22 (6) (e) of the statutes is created to read:

38.22 (6) (e) Any person who is a citizen of a country other than the United States if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a high school graduation ~~equivalency~~ from this state. *declaration of equivalency of*

2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state.

3. The person enrolls in a district school and provides the district board with an affidavit stating that the person has filed or will file an application for a

1 permanent resident visa with U.S. Citizenship and Immigration Services as soon as  
2 the person is eligible to do so.

3 **SECTION 9346. Initial applicability; Technical College System.**

4 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the  
5 statutes first applies to persons who enroll for the semester or session following the  
6 effective date of this subsection.

7 **SECTION 9352. Initial applicability; University of Wisconsin System.**

8 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the  
9 statutes first applies to persons who enroll for the semester or session following the  
10 effective date of this subsection.

11 (END)

DOA:.....Rhodes, BB0319 – Permitting UW and technical colleges to grant nonresident tuition remission for undocumented aliens

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

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**EDUCATION**

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Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

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The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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6 declaration of equivalency of high school graduation from this state.

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8 following the first day of attending a high school in this state or immediately  
9 preceding receipt of a declaration of equivalency of high school graduation.

10           3. The person enrolls in an institution and provides that institution with an  
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**SECTION 9348. Initial applicability; Technical College System.**

(1) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

**SECTION 9354. Initial applicability; University of Wisconsin System.**

(1) **TUITION EXEMPTION FOR ALIENS.** The treatment of section 36.27 (2) (cr) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

**(END)**



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1292/2  
PG&MDK:kjf:ph

DOA:.....Rhodes, BB0319 - Permitting UW and technical colleges to grant nonresident tuition remission for undocumented aliens

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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